

## SENATE BILL No. 190

---

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 15-5-12-1; IC 15-5-12-3.

**Synopsis:** Dog attacks. Specifies that a dog owner may be held civilly liable if the owner's dog attacks someone, even if the attack occurs on the dog owner's property. Provides that the owner of a dog that attacks another person may be criminally liable for failing to reasonably restrain the dog, even if the dog attack occurs on the dog owner's property.

**Effective:** July 1, 2003.

---

---

## Simpson

---

---

January 7, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

---

---

C  
o  
p  
y



First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE BILL No. 190

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 15-5-12-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. If a dog, without  
3 provocation, bites any person who is **acting** peaceably ~~conducting~~  
4 ~~himself~~ in any place where **he the person:**

5 **(1) has the right to be; or**

6 **(2) may be required to go for the purpose of discharging any duty**  
7 **imposed upon him by the laws or Constitution of this state or by**  
8 **the State of Indiana, the laws or Constitution of the United**  
9 **States, or postal regulations of the United States of America;**  
10 the owner of such dog may be held **civilly** liable for any damages  
11 suffered by the person bitten, regardless of the former viciousness of  
12 such dog, ~~or~~ the owner's knowledge of such viciousness, **or the fact**  
13 **that the bite occurred on the dog owner's property.**

14 SECTION 2. IC 15-5-12-3 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) **Except as**  
16 **provided in subsection (b),** an owner of a dog commits a Class C



C  
o  
p  
y

1 misdemeanor if the owner recklessly, knowingly, or intentionally fails  
2 to take reasonable steps to restrain the dog and,

3 ~~(1) the dog enters property other than the property of the dog's~~  
4 ~~owner; and~~

5 ~~(2) as the result of the failure to restrain the dog, the dog bites or~~  
6 ~~attacks another person resulting in unprovoked bodily injury to~~  
7 ~~the other person.~~

8 ~~except as provided in subsection (b):~~

9 (b) The offense under subsection (a) is:

10 (1) a Class B misdemeanor if the person has been convicted of  
11 one (1) previous unrelated violation of this section;

12 (2) a Class A misdemeanor if:

13 (A) the person has been convicted of more than one (1)  
14 previous unrelated violation of this section; or

15 (B) the violation results in serious bodily injury to a person;

16 (3) a Class D felony if the owner recklessly violates this section  
17 and the violation results in the death of a person; and

18 (4) a Class C felony if the owner intentionally or knowingly  
19 violates this section and the violation results in the death of a  
20 person.

21 **(c) It is not a defense to an offense under subsection (a) that the**  
22 **dog bite or attack occurred on the dog owner's property if:**

23 **(1) the victim was required to enter the dog owner's property**  
24 **for the purpose of discharging any duty imposed upon the**  
25 **victim by the laws or Constitution of the State of Indiana, the**  
26 **laws or Constitution of the United States, or postal regulations**  
27 **of the United States of America; or**

28 **(2) the victim reasonably believed that the victim was**  
29 **permitted to enter the dog owner's property.**

30 **SECTION 3. [EFFECTIVE JULY 1, 2003] (a) IC 15-5-12-1, as**  
31 **amended by this act, applies only to causes of action arising after**  
32 **June 30, 2003.**

33 **(b) IC 15-5-12-3, as amended by this act, applies to offenses**  
34 **committed after June 30, 2003.**

